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INFO RUCNCOM/EC CARICOM COLLECTIVE PRIORITY

C O N F I D E N T I A L KINGSTON 002409

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STATE FOR WHA/CAR (BUDDEN, FORTIN)

E.O. 12958: DECL: 12/20/2016  
TAGS: [PREL](#) [PGOV](#) [EAIR](#) [KJUS](#) [XL](#)  
SUBJECT: JAMAICA: PROPOSED CHANGES TO APIS UNFEASIBLE  
POINTS DELIVERED

REF: A. STATE 199855  
[1](#)B. KINGSTON 2151

Classified By: CDA James T. Heg, reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: On December 18, econoff delivered ref. A talking points to O'Neil Hamilton, Special Advisor to Minister of National Security (MNS) Peter Phillips. On December 19, DCM reiterated the points to MNS Permanent Secretary Gilbert Scott, and econoff followed up with

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Hamilton on December 20. While there seems little chance that the implementing legislation for APIS will be passed by December 31, post believes that the GOJ is committed to seeing the system operational, and will do whatever is necessary to facilitate the process. End summary.

[1](#)2. (C) On December 18, econoff met with O'Neil Hamilton, Special Advisor to Jamaican Minister for National Security Peter Phillips, to convey reftel talking points. Hamilton was well aware of USG concerns, but expressed surprise that the issue had become as serious as it has. He assured econoff that legislation was with the GOJ's Office of the Attorney General, and that passage of said legislation would not be a problem.

[1](#)3. (C) Hamilton was less well-versed on matters relating to the reduced timeline for APIS completion and delivery, and regarding the desire of DPM Systems to connect to the CBP/NTC network. He did, however, note that to his knowledge the UK had not demarched CARICOM governments to assure them that their third-party privacy concerns were no longer an issue.

[1](#)4. (C) On December 19, DCM followed up with a call to GOJ Permanent Secretary in the Ministry of National Security, Gilbert Scott. Scott's blunt assessment was that there was no possibility that the enabling legislation could be passed by December 31, as Hamilton had previously promised. He noted that the prototype legislation that the GOJ Attorney General's Office had reviewed was back in the hands of CARICOM for revision. He stated that the GOJ has a representative in Port of Spain working on the document, but that since the GOJ Cabinet is in recess for the Christmas holiday season, there was no chance that it could be passed before the next year.

[1](#)5. (C) On December 20, econoff again called Hamilton to gauge the reaction of Minister Phillips to these demarches. Hamilton clarified that a consistent prototype of the legislation is being worked on by CARICOM, and it must be "blessed" by the Council of Ministers before being passed to host governments for passage (Note: This does not explain how Barbados has its legislation in place. End note).

¶6. (C) Hamilton conceded that Minister Phillips was furious. He said that Phillips had been told by "advisors" that he needed only to incorporate the protocols into existing aviation legislation; this is why he stated (ref B) that he needed no new legislation to Ambassador when questioned about this issue on October 30. Hamilton further explained that the GOJ was "deeply committed" to this system, and that despite the confusion, Jamaica would do whatever it took to get the legislation in place.

¶7. (C) Comment: Hamilton is a valuable interlocutor, and is often very frank about the region's shortcomings and weaknesses. Nevertheless, he often says what he believes the USG wants to hear, imagining that he will get it done after the fact. In this case, he expressed shock that the USG has almost reached a critical point, even as he acknowledges that we have engaged him on this issue multiple times.

¶8. (C) Despite the foregoing, Hamilton is a pragmatist who now knows what needs to happen. Likewise, Minister Phillips is sensitive to the disastrous effect of the USG pulling away from the APIS project. While it is almost inconceivable that the requisite legislation will be passed by December 31, it is equally inconceivable that Jamaica will not pass it. Now that they are clear that there are real consequences, post believes that Phillips will push as hard as he must to get what the region needs (and wants). End comment.  
JOHNSON